

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.202 OF 2005

IN

SUIT NO.164 OF 2005

...

M/s.Diamond Building Co.operative

Housing Society Ltd. ...Plaintiff

v/s.

The New Mahalaxmi Silk Mills

Pvt.Ltd. ...Defendant

...

Mr.D.V.Merchant with Mr.Omkar Warange i/b

M/s.Shaunak Satpute & Co. for the Plaintiff.

Mr.Rajesh Shah i/b Makarand Gandhi & Co. for the
Defendant.

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CORAM: D.K.DESHMUKH, J.

DATED: 3RD MARCH, 2006

P.C.:

This Notice of Motion is taken out by the Plaintiff. Heard the learned Counsel for the Plaintiff. Perused the order dt. 21-2-2005. Cause of action for filing this suit appears to have arisen to the Plaintiff in the month of December, 1996. The Plaintiff states that there is an acknowledgement extending the period of limitation, which is oral. Obviously, oral acknowledgement can be proved at the time of trial of the suit by leading evidence. At this stage, prima facie, suit appears to be barred by law of limitation. Therefore, there is no question of granting any interim order in favour of the Plaintiff. Notice of Motion is, therefore, disposed of.

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